

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-cv-00050

GRACE R, WALDON and)
ENVIRONMENTAL WATER)
SOLUTIONS, INC., a North)
Carolina Corporation,)
)
Plaintiffs,)
)
v.)
)
DANNY L. BURRIS, CAROL BURRIS,)
WATER RESOURCE CORP. USA,)
DYNPAR, LLC, ENVIRONMENTAL)
WATER SOLUTIONS, INC., an)
Oklahoma Corporation, COMPUTER)
SCIENCES CORPORATION, and)
DYNCORP,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on Plaintiffs' Motion to Designate an Expert Witness (Document #109) and Defendants' Motion to Exclude the Testimony of Thomas Moyer (Document #112). For the reasons set forth below, Plaintiffs' Motion is DENIED and Defendants' Motion is GRANTED.

In his Motion, which was filed on August 6, 2007, Plaintiffs requests they be allowed to designate Mr. Thomas Moyer as an expert witness,. According to this Court's Pretrial Order, Plaintiff's expert witness disclosures were due no later than February 20, 2006

Allowing a witness designation so far outside the time frame set forth by the Pretrial order (and even if this Court considers the time when this matter was stayed) would be counterproductive to the intent of such orders, which is to promote efficient and timely trial preparation.

Plaintiffs' explanation for the delay is that they did not have enough money to hire the expert prior to this point. Plaintiffs' Response, Document #114, p. 2. But this assertion is rebutted by Plaintiff Waldon's testimony that her fee arrangement with her counsel was that "my law firm is carrying me and prepaying the expenses, for which I am liable." Grace Waldon Depo., 10/18/06 p. 224. Given this contradiction, this Court sees no reason to allow an expert witness designation so far outside the time allowed.

For these reasons, Plaintiffs' Motion to Designate an Expert Witness is DENIED and Defendants' Motion to Exclude the Testimony of Thomas Moyer is GRANTED.

IT IS SO ORDERED.

Signed: December 7, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

